UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN STEVENSON, Plaintiff,	§ § §	
v.	§ § §	CIVIL ACTION NO. 4:16-cv-3037
DETSCO INC., Defendant.	§ § §	A JURY IS DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

I. INTRODUCTION

1. Plaintiff John Stevenson, a former employee of Defendant Detsco Inc. brings this action for overtime compensation and other relief under the Fair Labor Standards Act ("the Act"), as amended, through 29 U.S.C. § 216(b).

II. PARTIES

2. Plaintiff John Stevenson is an individual residing in Harris County, Texas.

3. Defendant Detsco Inc. is a domestic corporation, headquartered in Harris County, Texas. Defendant may be served through its registered agent Charles Calkins at 16001 ½ Wall Street Houston, Texas 77040.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court by Title 28 U.S.C. § 1337 and by Title 29 U.S.C. §216(b). At all times pertinent to this Complaint, Defendant Detsco Inc. was a covered entity under the Act and was Stevenson's "employer" as defined by the Act. Venue is proper in this district under 28 U.S.C. § 1391, as all or a substantial portion of events giving rise to the claim occurred within the Southern District of Texas and Detsco Inc., is headquartered in this district.

IV. STATEMENT OF FACTS

5. Stevenson worked for Detsco Inc. from approximately May 2014 to October 2014 as a construction worker.

6. Although Stevenson was paid on an independent contractor basis, he was actually legally an employee of the company. At all times, Stevenson was not exempt from the overtime provisions of the Fair Labor Standards Act.

7. During one or more workweeks of Stevenson's employment, Stevenson worked in excess of 40 hours.

8. During one or more workweeks of Stevenson's employment in which Stevenson worked overtime hours, Defendant failed to pay Stevenson one-and-one-half times Stevenson's regular rate of pay for each overtime hour worked even though Stevenson was legally entitled to such overtime pay.

V. COUNT ONE – VIOLATION OF FAIR LABOR STANDARDS ACT

9. The acts of Defendants described in the preceding paragraphs violate the Fair Labor Standards Act of 1938, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek.

10. The violations committed by Defendants were committed willfully within the meaning of the Fair Labor Standards Act.

VI. DAMAGES

11. As a result of Defendant's unlawful conduct, Stevenson is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

12. Section 216(b) of the Fair Labor Standards Act provides that ant employer who violates the statute shall be liable for unpaid overtime pay and an additional equal amount as liquidated damages. Therefore, Stevenson seeks an award of liquidated damages in an amount equal to the amount of unpaid overtime pay.

13. Stevenson further seeks an extension of the statute of limitations to three years as a result of Defendant's willful failure to pay overtime in violation of 29 U.S.C. § 207.

14. Stevenson also seeks compensation of the out of pocket expenses and costs of court he has incurred and will incur in this action. Stevenson is also entitled to reasonable and necessary attorney fees under 29 U.S.C § 216(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter an order:

1. Issuing summons as to Detsco Inc. so that such Defendant may be served with summons and be ordered to answer the claims within this Complaint;

2. Declaring that Defendant violated the Fair Labor Standards Act;

3. Declaring that Defendant's violations of the FLAS were willful;

4. Granting judgment to Plaintiff for his claims of unpaid wages as secured by the Fair Labor Standards Act, as well as liquidated damages;

5. Awarding Plaintiff his costs, including expert witness fees, and reasonable attorney's fees;

6. Awarding Plaintiff pre- and post-judgment interest at the highest rates allowed; and

7. Granting such further relief as the Court finds just.

Respectfully Submitted,

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